

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America)
v.)
JOHNNY ALPHONSO HARLEY)

Date of Previous Judgment: 11/09/2009
(Use Date of Last Amended Judgment if Applicable)

) Case No: 4:06CR00040-001
USM No: 07224-084
Defendant's Attorney

JAN 24 2012
JULIA C. DUDLEY, CLERK
BY: *M. H.*
DEPUTY CLERK

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (*explain*): _____

III. ADDITIONAL COMMENTS

The guideline sentencing range applicable to Defendant was not reduced; consequently, Defendant is not eligible for a reduction under Amendment 750.

Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 01/24/2012


Judge's signature

Effective Date: _____
(if different from order date)

Senior United States District Judge

Printed name and title